

## Cases - Forensic Resources

28-36 minutes

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**Post-PCAST Court Decisions Assessing the Admissibility of Forensic Science Evidence** – the National Center on Forensics has compiled a database that gathers federal and state court decisions issued after the release of a 2016 report by the President’s Council of Advisors on Science and Technology titled *Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods* (the “PCAST Report”).

The database seeks to compile decisions addressing the PCAST Report in a manner that is easy for courts, attorneys, forensic scientists, and others to review. It is both sortable by column and searchable. Columns are described below, and the terms used in each column are explained. The database includes cases that have been published in recognized court reporters, cases that have been published by Lexis Nexis, unpublished cases, and oral decisions. Copies of unpublished cases or transcripts of oral decisions can be requested by emailing [nijncf@gmu.edu](mailto:nijncf@gmu.edu).

### Arson

- [Overturned Arson Convictions](#), 11/9/2021

John Lentini compiled case information on these wrongful convictions based on questionable laboratory analysis.

- [United States v. Hebshie](#), 4/12/2019

754 F.Supp. 2d 89 (2010). This opinion by Judge Nancy Gertner is a must-read regarding standards of representation in arson cases. The opinion provides useful information on Daubert hearings, cause and origin testimony, burn patterns, canine evidence and laboratory analysis.

### Bite Mark

- [Cases Where DNA Revealed that Bite Mark Analysis Led to Wrongful Arrests and Convictions](#), 4/16/2019

Article by the Innocence Project identifying concerns with bite mark analysis and discussing five cases where individuals were convicted based largely on bite mark analysis, only to be proven innocent through DNA years later.

- [Criminal Law – Expert Testimony on Bite Marks](#), 1/1/1981

A law review article on *State v. Temple*, 302 N.C. 1 (1981) where the NC Supreme Court held that testimony regarding bite marks identification analysis is admissible as long as the trial court can verify the scientific methods used were accurate and reliable. Includes a summary of the case, background, and an analysis of the ...

- [Eddie Lee Howard, Jr. v. State of Mississippi](#), 8/28/2020

Bite mark case where conviction was reversed based on changes in the science being newly discovered evidence.

- [State of Georgia v. Sheila Denton – Order for New Trial](#), 4/19/2020

2020 Order granting a motion for a new trial based upon advancements in scientific understanding and American Board of Forensic Odontology (ABFO) guidelines that would compel a different expert opinion if the case were tried today. In 2016, the ABFO Standards and Guidelines were changed significantly to no longer allow a conclusion of “exact match” ...

- [State v. Trogdon](#), 9/20/2011

715 S.E.2d 635, N.C.App., September 20, 2011 (NO. COA10-1344) Defendant argued that the forensic odontologist improperly invaded the province of the jury by testifying that the defendant caused the bite mark on the child. The court held that even if the specific assertions that the defendant was the one who made the bite marks were ...

## Blood and Bodily Fluids

- [State v. Corbett & Martens](#), 839 S.E.2d 361 (2019), 2/4/2020

Expert Stuart James’s treatise on blood spatter said that suspected bloodstains should be subject to presumptive, confirmatory, and DNA testing before analysis of the spatter is conducted. The court held that blood spatter expert’s conclusions regarding untested stains on clothing did not result from reliable application of scientific methods and evidentiary errors were prejudicial.

## Child Abuse Allegations

- [Aleman v. Village of Hanover Park](#), 4/16/2011

662 F.3d 897 (2011). 1983 claim where 7th Circuit Court of Appeals recognizes an interim lucid period between shaking and collapse

- [Commonwealth v. Millien](#) (2016), 5/19/2020

In this Massachusetts Supreme Judicial Court case, Justice C.J. Gants held that the defendant was denied her right to effective assistance of counsel when her attorney failed to seek public funds in order to retain an expert witness to offer an opinion as to the cause of head injuries sustained by defendant’s infant child. The ...

- [People v. Bailey](#) (2014), 5/19/2020

In this County Court (Monroe County, New York) case, Judge James J. Piampiano ordered a new trial for the defendant, who was previously convicted of Murder in the Second Degree, holding that newly discovered evidence regarding Shaken Baby Syndrome warranted vacatur. The court concluded that expert witness testimony based on a shift in medical consensus ...

- [State v. Bailey](#), 4/16/2014

This 2014 NY decision grants a new trial to the Defendant. The decision describes how new medical research casts doubts on the Shaken Baby Syndrome hypothesis and shows that short falls (which this case involved) can cause death.

## Crime Scene Investigation

- [State v. Denton](#), COA18-742 (2019), 6/4/2019

Felony death by vehicle case where the trooper accident reconstruction expert who analyzed the accident could not reach a conclusive expert opinion about who was driving. An officer provided lay opinion testimony based on the same information. The court concluded: “the facts about the accident and measurements available were simply not sufficient to support an ...

## Death Investigation

- [State v. Daughtridge, 248 N.C. App. 707 \(2016\)](#), 8/16/2016

Trial court erred in allowing a forensic pathologist's opinion that the decedent's death was a homicide as opposed to a suicide that was based on his interpretation of non-medical information conveyed to him by law enforcement officers. The State failed to adequately explain how the expert was in a better position than the jurors to ...

## Detection Dogs

- [State v. Dail \(unpublished\)](#), 11/15/2011

No. COA 11-384 Defendant's Brief contains caselaw regarding canine sniffs and Fourth Amendment protections.

- [State v. Walton, \\_ N.C. App. \\_ \(April 20, 2021\)](#), 5/11/2021

A sniffing canine can be found to be properly trained despite the canine having an expired certification at the time of the sniff, so long as the canine has a history of certification and at least one other unexpired certification. Additionally, the handler's training being inconsistent with department standards is not by itself insufficient ...

- [Supreme Court: Alert by a Trained or Certified Drug Dog Normally Provides Probable Cause](#), 2/20/2013

UNC School of Government blog post by Jeff Welty that explains the U.S. Supreme Court's 2013 holding in *Florida v. Harris*. *Harris* holds that when a trained and certified drug dog alerts on a vehicle, that normally provides probable cause to search the car, even if there are no records regarding the dog's performance in the field. ...

## Digital Evidence

- [New Jersey v. Arteaga, 6/7/2023](#), 6/28/2023, NACDL

COA held that the defendant is entitled to face recognition information as part of requested discovery in accordance with *Brady v. Maryland*.

- [State v. Gore, 846 S.E.2d 295 \(2020\)](#), 6/16/2020

Defendant's CSLI was searched pursuant to a court order, instead of a warrant. However, the court held that the order met the warrant requirements. Thus, there was no error and the defendant was not entitled to suppression of CSLI on Fourth Amendment grounds.

- [State v. Joyner, 2021-NCCOA-684 \(unpub\)](#), 12/16/2021

Detective testified about cell phone tower location and determined direction of tower based on records. COA held Detective's testimony was limited to illustrating and interpreting the admitted cell phone records, therefore it did not require scientific or other specialized knowledge and was not expert testimony.

- [State v. Mitchell, 840 S.E.2d 276 \(2020\)](#), 2/18/2020

Rule 701 allows a non-expert to testify in the form of opinion or inference where it is rationally based on a perception of the witness and helpful to the determination of a fact in issue. Testimony from a lay witness and an officer about their suspicion that the defendant used an app to conceal text ...

- [US v. Chatrie](#), 3/8/2022

EDVA decision holding a geofence warrant was unconstitutional.

## DNA

- [State v. Carver, \\_\\_ N.C. App. \\_\\_ \(April 20, 2021\)](#), 5/11/2021

Defendant successfully appealed a murder conviction on a motion for appropriate relief by showing, with expert testimony, that SBI policies for interpreting mixture DNA evidence at the time were outdated and inaccurate based on current accepted practices. A new trial was awarded.

- [State v. Phillips, \\_\\_ N.C. App. \\_\\_, \\_\\_ S.E.2d \\_\\_ \(Dec. 3, 2019\)](#), 12/3/2019

New trial ordered where State Crime Lab forensic scientist was required to testify about DNA sample despite her insistence that the testimony was not scientifically valid. Court of Appeals found that the testimony was expert opinion testimony and did not satisfy prongs 1 or 2 of Rule 702 where the expert was asked to testify ...

- [State v. Phillips, 836 S.E.2d 866 \(2019\)](#), 12/3/2019

The prosecutor had a DNA analyst testify about an inconclusive mixture. Such testimony was not “based on sufficient facts or data” nor “the product of reliable principles and methods.” Erroneous admission of expert testimony regarding DNA evidence recovered from minor victim was prejudicial in statutory rape prosecution.

- [Supreme Court Upholds Taking DNA Upon Arrest](#), 6/4/2013

UNC School of Government blog post by Jeff Welty on the Supreme Court case Maryland v. King which allows the taking of DNA from arrestees.

- [United States v. Gissantaner, 417 F. Supp. 3d 857 \(W. D. Mich. 2019\)](#), 10/30/2019

Successful Daubert challenge to the admissibility of STRMix genotyping software due to the complexity of the DNA mixture in the case at hand. Defendant’s Daubert motion and the ruling are linked in this article.

- [United States v. Gissantaner, 990 F.3d 457 \(6th Cir. 2021\)](#)., 8/5/2021

## Drug Analysis

- [False Positives Equal False Justice](#), 4/15/2008

A California Attorneys for Criminal Justice (CACJ) report by John Kelly. The report is largely based on the research of Dr. Frederic Whitehurst who tested field drug test kits and exposed and documented that they render false positives with legal substances. The report focuses on the Duquenois-Levine and KN Reagent tests used to test for ...

- [State v. Gibbs \(unpub\)\(2021\)](#), 12/16/2021

NCSCCL drug chemistry analyst Jennifer West testified about whether fentanyl was an opiate or opioid. Trial court erred in admitting West’s testimony because she lacked training on the issue of whether fentanyl was an opiate or opioid.

- [State v. Hewitt, 836 S.E.2d 786 \(2019\)\(unpub\)](#), 1/7/2020

The court held that it was not plain error for the analyst to testify to the identity of a controlled substance without explaining what type of chemical analysis she performed. She testified she performed a color test and an instrumental analysis.

- [State v. Hills \(N.C. Ct. App. 2021\)](#), 7/8/2021
- [State v. Jackson, \\_\\_ N.C. App. \\_\\_ \(April 20, 2021\)](#), 5/11/2021

Evidence that cocaine was the identity of the substance was admissible notwithstanding the substance being handled with bare hands and stored in a glove box where cocaine had previously been stored. The court found concerns over cross contamination went to the evidence's weight, not matters of admissibility and authentication.

- [State v. Sasek, 844 S.E.2d 328 \(2020\)](#), 5/19/2020

The court held that it was not plain error for the analyst to testify that GCMS testing is used to confirm results of presumptive testing but not to testify that GCMS was performed in the case at hand.

- [State v. Ward 364 N.C. 133 \(2010\)](#), 6/17/2010

A NC Supreme Court decision finding the trial court abused its discretion by allowing the State's expert to visually identify drugs using an insufficiently established method. The court found the expert's use of information in Micromedex literature to make drug identification did not meet the first prong of Rule 702 as it was never established ...

- [Sufficiency vs. Admissibility: Drug I.D. after State v. Osborne](#), 9/17/2019

In August, the North Carolina Supreme Court weighed in on drug identification once again in *State v. Osborne*, \_\_\_ N.C. \_\_\_ (August 16, 2019). Defender Educator Phil Dixon discusses admissibility and sufficiency of evidence in drug cases in this blog post.

- [Weighing Marijuana Reference](#), 4/15/2019

This document provides the relevant statutes and summarizes the case law on the issue of how marijuana should be weighed. It addresses issues such as whether water weight and mature stalks should be included. Links to the State Crime Lab's relevant procedures are provided, as well as contact information of experts who are available to ...

- [What's In a \(Trade\) Name?](#), 7/7/2015

Today, the court of appeals reversed a defendant's drug convictions because the indictments identified the controlled substances in question using terms that are widely used to describe the drugs, but that are neither the chemical names listed in the controlled substance schedules nor – according to the court – “trade names” for the drugs. Because ...

## Drug Recognition Experts

- [Burton v. Kentucky, 300 S.W.3d 126 \(Ky. 2009\)](#), 1/1/2009

Testimony from a DRE was improper where the DRE did not personally observe the defendant but instead based his opinion on review of records.

- [State of Maryland v. Charles David Brightful, et al, No. K-10-04-259, Circuit Court for Carroll County, MD March 5, 2012](#), 3/5/2012

The Circuit Court for Carroll County, Maryland held that DRE evidence should be excluded. The court held that identification and classification by DREs “is not generally accepted as valid and reliable in the relevant scientific community.” See the opinion for a summary of expert testimony regarding DRE examinations which raises questions about the accuracy of ...

- [State v. Sasek](#), 5/22/2020

On May 19th, 2020 the North Carolina Court of Appeals released its opinion in the case of *State v. Sasek*. Mr. Sasek was convicted in March of 2019 of possession with intent to sell or deliver a schedule II controlled substance and sale of methamphetamine, which led to the revocation of his probation. Defense counsel ...

## Experts

- [Clark v. Clark, 2021-NCCOA-653](#), 12/16/2021

Plaintiff argued Derek Ellington was not qualified as a digital expert. COA held Ellington testified as a lay witness, not an expert, because he testified to what he saw or experienced in making a forensic copy and demonstrating the defendant did not send the photos to others.

- [State v. Cobb, 845 S.E.2d 870 \(2020\)](#), 6/16/2020

The court held that it was error to admit results of field tests, for the drugs only; but it was not prejudicial.

- [State v. Denton, COA18-742 \(2019\)](#), 6/4/2019

Felony death by vehicle case where the trooper accident reconstruction expert who analyzed the accident could not reach a conclusive expert opinion about who was driving. An officer provided lay opinion testimony based on the same information. The court concluded: “the facts about the accident and measurements available were simply not sufficient to support an ...

- [State v. McGrady, 368 N.C. 880 \(2016\)](#), 6/10/2016

Affirming the decision below, the NCSC held that the trial court did not abuse its discretion by ruling that the defendant’s proffered use of force expert testimony did not meet the standard for admissibility under Rule 702(a). The court determined that the 2011 amendment to NC Rule 702(a) adopts the federal standard for the admission ...

- [State v. Sasek, 5/22/2020](#)

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## Eyewitness ID

- [Long v. Hooks, 9/6/2020](#)

4th Circuit en banc rehearing, decided Aug. 24, 2020. See Judge Wynn’s concurring opinion regarding eyewitness identification evidence.

- [State v. Boozer, 210 N.C. App. 371 \(2011\)](#), 3/15/2011

NC Court of Appeals found the trial court properly denied the defendant’s motion to suppress asserting that an eyewitness’s pretrial identification was unduly suggestive and found no violation of the EIRA where the eyewitness identified the defendant by looking through the pages of The Slammer newspaper.

- [State v. Cotton, 4/22/2019](#)

Ronald Cotton was wrongfully convicted of two rapes and burglaries in 1985 and 1987. Although innocent, Ronald Cotton served over 10 years in prison, primarily due to erroneous eyewitness identification. DNA testing in 1995 revealed that evidence from one victim did not match Cotton, but instead matched with another man who had confessed to the ...

- [State v. Lawson, 352 Ore. 724 \(2012\)](#), 11/29/2012

On Nov. 29, 2012, the Oregon Supreme Court issued an important decision, which places the burden on the state to establish the reliability of the eyewitness identification and recognizes

and requires courts to act in a manner consistent with the latest scientific research on eyewitness identification and memory. This opinion may be useful in NC ...

- [State v. Lee, 154 N.C. App. 410, 417 \(2002\)](#), 1/1/2002

Expert testimony on eyewitness identification has been excluded in several cases, so counsel should be prepared for a challenge to its admissibility. Trial courts will weigh whether the proposed testimony is case specific and has probative value, and will consider such factors as whether the expert interviewed the eyewitnesses, visited the crime scene and observed ...

- [State v. Newsuan, 837 S.E.2d 728 \(2020\)\(unpub\)](#), 2/18/2020

The court held that it was not plain error for a detective to testify as a lay witness that the defendant was displaying gang signs with his hands.

- [State v. Rawls, 700 S.E.2d 112 \(2010\)](#), 1/1/2010

In *State v. Rawls*, 700 S.E.2d 112 (2010), the Court of Appeals held that “show-ups” are distinct from line-ups, and, therefore, are not subject to the guidelines set out in EIRA. Rather, the court applied the North Carolina common law test for determining if the show-up was proper which is a two-step inquiry described above: (1) ...

- [State v. Rogers, 355 N.C. 420, 432 \(2002\)](#), 4/23/2019

The test in North Carolina for identification procedures prior to the enactment of the EIRA was stated in *State v. Rogers*, 355 N.C. 420, 432 (2002) as follows: Whether an identification procedure is unduly suggestive depends on the totality of the circumstances. *State v. Pigott*, 320 N.C. 96, 99 (1987). A due process analysis requires a ...

- [U.S. v. Nolan \(2020\)](#), 4/26/2020

In this Second Circuit U.S. Court of Appeals case, Judge Jed Rakoff finds ineffective assistance of counsel for failure to challenge the unreliable eyewitness identification evidence in the case. Counsel failed to consult with an expert, abandoned a pre-trial motion to preclude the eyewitness identification evidence, and failed to move to exclude a prejudicial photo ...

## Fingerprints

- [Brandon Mayfield Case](#), 5/1/2004

In May 2004, the FBI arrested Oregon lawyer Brandon Mayfield based on an erroneous fingerprint identification. FBI analysts incorrectly identified a fingerprint left inside a plastic bag related to the Madrid train bombing as matching Mr. Mayfield.

- [George Allen case](#), 11/1/2012

Mr. Allen’s 1983 rape and murder conviction in MO was reversed in Nov. 2012, though the state is appealing the reversal. In this case, it was discovered that there are seven usable fingerprints from the crime scene that do not match anyone involved, though police testified at trial that the fingerprints matched the victim, the ...

- [Lana Canen case](#), 11/23/2012

Ms. Canen’s 2005 murder conviction in IN was overturned in Nov. 2012 after she spent eight years in prison. A fingerprint that was a crucial piece of evidence in the prosecution’s case against her was found not to be hers. An Arizona fingerprint expert discovered that a sheriff’s detective misidentified a fingerprint found on a ...

- [Shirley McKie case](#), 1/1/1999

In 1997, fingerprint examiners claimed they found Scottish police constable Shirley McKie's fingerprint at a crime scene that her department was investigating. She denied that she had ever been to the crime scene, and it was determined in 1999 that the fingerprints were not hers and she was issued a public apology by the justice ...

- [State v. Irick, 291 N.C. 480, 491-492 \(1977\)](#), 4/24/2019

In cases where fingerprint evidence is the only evidence connecting the defendant to the crime, attorneys should consider the Irick rule. *State v. Irick*, 291 N.C. 480, 491-492 (1977) holds that "[f]ingerprint evidence, standing alone, is sufficient to withstand a motion for nonsuit only if there is 'substantial evidence of circumstances from which the jury can ...

- [State v. Koian, 841 S.E.2d 351 \(2020\)](#), 4/15/2020

The Court of Appeals found that the trial court erred in admitting testimony of the state's fingerprint examiner where the expert failed to show he applied reliably applied the relevant methods and principles to the case, in violation of N.C. Evid. Rule 702(a)(3). Because the defendant failed to object at trial, the issue was reviewed ...

- [State v. McPhaul, 256 N.C. App. 303 \(2017\)](#), 11/7/2017

The Court of Appeals applied the new Daubert test for expert testimony and held that trial court abused its discretion by allowing the State's expert witness's testimony about fingerprint evidence. A petition for discretionary review was granted by the NC Supreme Court which subsequently found that discretionary review was improvidently granted, leaving intact the Court ...

- [Willie Grimes case](#), 1/1/2011

A three-judge panel in NC decided Mr. Grimes was innocent of a 1987 rape conviction for which he had served more than 24 years. Fingerprints from the crime scene did not match Grimes, but the State withheld that evidence until the trial. In 2011, the prints were uploaded into the Automated Fingerprint Identification System and ...

## Firearms

- [Abruquah v. Maryland, 6/2/2023](#), 6/28/2023

The Maryland Supreme Court discusses studies completed after the President's Council of Advisors on Science and Technology (PCAST) report in 2016 which demonstrates the lack of repeatability of the method.

- [Missouri v. Goodwin-Bey, No. 1531-CR00555-01 \(Cir. Ct. Green County, Mo., Dec. 16, 2016\)](#)., 1/2/2021

The court allows the ballistics expert testimony, but limits the testimony to say that the gun in question could not be eliminated as a source of the bullet.

- [People v. Ross, 68 Misc. 3d 899 \(2020\)](#)., 6/25/2021

Decision on a Frye Motion requesting that the court preclude all ballistic expert testimony comparing shell casings from the crime scene to a gun found in one of the defendants' car. The court concluded that an expert cannot offer opinions that are not supported by the relevant scientific community. Testimony by an expert that is ...

- [State of NY v. Mansell and Ross \(2020\)](#), 4/27/2020

Decision on Frye Motion making a finding that the relevant scientific community consists of the fields of forensic science, scientific methodology in studies and statistics, and psychology. The court ruled that the examiner may testify about class characteristics, but may not offer

qualitative opinions on matters not adequately supported by the relevant scientific community, including ...

- [State v. Gallion](#), 3/15/2022

COA found no plain error in allowing firearm identification testimony. Former NCSCS analyst Wilson testified in detail about her methodology, but provided little information about application of the method to the case at hand.

- [State v. Thomas](#), 2021 NCCOA-402, 12/21/2021

COA held that trial court did not abuse its discretion in admitting the testimony of the State's GSR expert because he followed the State Crime Lab's procedures as required to meet Rule 702(a)'s reliability requirement where defendant made statement upon GSR collection that he had been asleep during the 5+ hour period between shooting and collection.

- [State v. Turner](#), 849 S.E.2d 327 (2020), 10/6/2020

A SCL analyst performed an experiment measuring the direction and distance that shell casings traveled when a gun was fired at various angles and testified to the results, offering opinions about location of the shooter. On appeal, counsel argued that the tests were not "substantially similar." The COA held that Rule 702 governs admission of ...

- [U.S. v. Willock](#), 696 F. Supp. 2d 536 (D. Md., 2010)., 12/2/2020

The court ruled that toolmark evidence is relevant, helpful, and reliable if offered by a qualified examiner who followed the AFTE theory. Id. at 569-570. There should be documentation (photographs, notes, etc.) of the conclusions reached to allow confirmation by a second qualified examiner on how an identification was reached. Id. This documentation should also ...

- [United States v. Adams](#), 444 F. Supp.3d 1248 (D. Or. 2020)., 6/25/2021

After applying Daubert, the court concluded that the expert testimony in the case should be limited because the conclusions were not supported by a quantifiable or replicable scientific process.

- [United States v. Alls](#), No. 2:08-cr-00223-ALM (S.D. Ohio Dec. 7, 2009)., 12/26/2020

Defendant filed a motion to exclude expert testimony which was denied in part and granted in part. The court held that the expert could provide testimony concerning toolmark evidence, but could not testify that a match was found to a degree of certainty which excludes all other firearms in the world from being the source.

- [United States v. Glynn](#), 578 F. Supp. 2d 567 (S.D.N.Y. 2008)., 12/27/2020

The court finds that ballistics examination lacks the rigor and certainty of other forensic sciences, and there a limit is needed on the degree of confidence given during testimony. The court limits testimony to "more likely than not".

- [United States v. Green](#), 405 F. Supp. 2d 104., 12/12/2020

The Court holds that it will allow ballistics testimony with limitations. The expert testimony can include things such as the methodology and the fact that a match was found, but the expert cannot make claims of certainty that the match excludes all other possible firearms in the world. Id. at 124.

- [United States v. Love](#), No. 2:09-cr-20317-JPM (W.D. Tenn. Feb. 8, 2011)., 12/26/2020

Although the defendant's motion to exclude testimony was denied, the court held that the toolmark expert may not testify that a match was found to an "absolute" or "practical" certainty.

This conclusion was reached after evidence was presented that suggested this level of certainty was impossible.

- [United States v. Taylor, 663 F. Supp. 2d 1170 \(D.N.M. 2009\).](#), 12/27/2020

The court finds that ballistics science is admissible, and notes the level of subjectivity and the impossibility of a perfect match in this field of science. The court prohibits the expert testimony from saying that the ballistic match is to a scientific, practical, or absolute certainty to exclude all other firearms.

- [United States v. Tibbs, 2016-CF1-19431.](#), 1/2/2021

After applying the Daubert factors, the court reached the conclusion that ballistic matching lacks the scientific integrity to make statements of certainty. The court limited the ballistics expert testimony to only stating that the gun could not be excluded as a potential source of the bullet.

- [Williams v. United States, 130 A.3d 343 \(D.C. 2016\).](#), 1/2/2021

The court affirmed the admissibility of the Government's expert witness's statement of certainty concerning the ballistic evidence. The expert testified that the markings were, "unique to that gun, and that gun only." *Id.* at 346. Due to a failure to object by the defense and a lack of binding law that says otherwise, the inclusion ...

## Measurement Uncertainty

- [People v. Jabrocki](#), 5/6/2011

79th District Court for the County of Mason, Michigan – May 6, 2011 opinion holding that "calculation of an uncertainty budget or error rate and the reporting of the same is an essential element of the scientific methodology for analyzing blood alcohol content using gas chromatography" and denying the prosecution's Motion to Admit the blood ...

## Mental Health

- [State v. Echols, 845 S.E.2d 208 \(2020\) \(unpub\)](#), 8/4/2020

Dr. Wilkie Wilson's testimony on decedent's behavior being consistent with methamphetamine intoxication violated Rule 702(a)(1), where he had not examined the decedent and based his opinion on witness statements and a medical report from 2014.

- [The Defenses of Voluntary Intoxication, Diminished Capacity, and Unconsciousness](#), 5/8/2008

For the 2008 Public Defender Spring Conference, Lisa Miles surveys 186 cases in which the court found evidence sufficient or not sufficient to warrant an instruction on voluntary intoxication, diminished capacity, or unconsciousness.

## Toxicology

- [State v. Babich, 252 N.C. App. 165 \(2017\)](#), 3/7/2017

In this DWI case, the trial court erred by admitting retrograde extrapolation testimony by the State's expert witness. To reach her conclusion, the expert assumed that the defendant was in a post-absorptive state at the time of the stop. The expert conceded that there were no facts to support this assumption. The expert's testimony was ...

- [State v. Echols, 845 S.E.2d 208 \(2020\) \(unpub\)](#), 8/4/2020

Dr. Wilkie Wilson's testimony on decedent's behavior being consistent with methamphetamine intoxication violated Rule 702(a)(1), where he had not examined the decedent and based his

opinion on witness statements and a medical report from 2014.

- [State v. Pabon, 850 S.E.2d 512 \(2020\)](#), 10/6/2020

A SCL analyst testified to the results of another analyst's testing. However, he personally reviewed the data and offered his own opinion, which the court held did not violate the Confrontation Clause.

- [State v. Teesateskie \(2021\)](#), 8/3/2021

The defendant also argued on appeal that the trial court should not have allowed the State's expert to testify as to possible reasons why Hydrocodone did not show up in the defendant's blood test, because that testimony violated Rule 702 in that it was not based on scientific or technical knowledge, was impermissibly based on ...

## Trace Evidence

- [State v. Bridges, No. 90 CRS23102-04, 2015 WL 12670468 \(N.C. Super. Ct. Oct. 1, 2015\)](#)., 11/6/2020

In North Carolina, Timothy Scott Bridges was serving life for the rape of an 83-year old woman in Charlotte, in May of 1990. The evidence used at trial was microscopy hair evidence. He was convicted by a jury in Mecklenburg County for the charges of first-degree rape, assault with a deadly weapon with intent to ...

- [Tribble v. U.S., 447 A.2d 766 \(D.C. 1982\)](#)., 11/6/2020

Santae A. Tribble was convicted of killing a taxi driver in 1978. He spent 28 years in prison for a murder that he did not commit. Key evidence at his trial came from separate FBI experts who testified that their scientific analysis proved with near certainty that Tribble's hair was at the crime scene. However, ...